


<b>LAS VEGAS POLICE DEPARTMENT</b>	<b>OPERATIONS</b>
<b>SUBJECT:</b> <i>Legal Process</i>	<b>NUMBER: OPR.11</b>
<b>EFFECTIVE DATE:</b> <i>18 October 2011</i>	<b>REVIEW DATE:</b>
<b>AMENDS/SUPERSEDES: 9 September 2010</b>	<b>APPROVED:</b> 
<b>NMMLEPSC STANDARDS:</b> <i>OPR.12.01 – OPR.12.06</i>	<b>Chief of Police Christian Montano</b>
	<b>NMSA:</b>

**I. PURPOSE:**

The purpose of this policy is to ensure the efficient and effective management of the Legal Process function by providing administrative guidance that identifies the responsibilities and legal process processes within the uniform and other components of the department.

**II. POLICY:**

It is the policy of the Las Vegas Police Department to manage the function of a legal process in an effective and efficient manner by coordinating the efforts of uniform and other organizational components as provided in this policy.

**III. APPLICABILITY:**

This policy is applicable to all commissioned and non-commissioned personnel of the Las Vegas Police Department.

**IV. REFERENCES:**

- A. Las Vegas Police Department
- B. New Mexico Law Enforcement Accreditation Operations 12.01.12.06

**V. DEFINITIONS:**

- A. Subpoena is a writ issued by a government agency that has authority to compel testimony by a witness or production of evidence, the agency most often a court, under a penalty for failure.
- B. DVO's Domestic Violence Order

- C. Legal Process are the proceedings in any civil lawsuit or criminal prosecution and, particularly, describes the formal notice or writ used by a court to exercise jurisdiction over a person or property.

## VI. PROCEDURE:

To establish a procedure for serving subpoenas, for receiving, filing and handling expired DVO's and warrants.

### A. Subpoena Service

Upon delivery of subpoenas from the issuing agencies (District Attorney's Office, Municipal Court, or any other agency with a lawful subpoena) the designated personnel; will stamp all incoming subpoenas with date and time.

1. The Designee shall check the date on the subpoena to determine if is short notice or the Officer(s) are on days off that would delay there notification by the procedure outline herein. If so, the designee will contact the Officer by telephone and advise them. The designee shall note the date and time received name of plaintiff/complainant, or name of defendant/respondent, location/address of service of attempted service, and court docket number. If the Officer(s) is unable to be reached then their Commander is notified and he shall ensure that they are made aware of the subpoena.
2. The designee will forward a copy of the subpoenas to the respective officer's supervisor and note which supervisor the subpoena was forwarded to and on what date / time.
3. The supervisor is then responsible for hand delivering the subpoena to his assigned officer and shall have the officer sign the return of service. The supervisor shall promptly return the signed form back to the Field Operations Commander.
4. The designee will maintain copies of the subpoenas.
5. Copies of served subpoenas shall be maintained according to the court date and purged on a monthly basis after the court date.
6. If the designee recognizes the subpoena is on short notice or a lack of sufficient notification due to days off the designee shall notify officers and their respective supervisor via telephone. If they were unable to be contacted the designee shall leave messages and annotate such.
7. If the officer has a conflict with the court date, it is their responsibility to follow the authorized procedure to work out the conflict.

8. If the subpoena is issued out of a civil court case, the officer should be contacted directly by their representative. At the time they are served a subpoena, they should inquire about payment for appropriate witness fees, since they cannot be compensated by the City of Las Vegas. No other employee should accept a civil subpoena for another.
- B. The San Miguel County Sheriff's Office or court designee will deliver a copy of a DVO to the Communications Center.
1. Upon receiving DVO's they will be stamped with the time and date received.
  2. They will be entered into Sleuth in the Domestic Violence section.
  3. The victim's name will be entered, if there is more than one they will be entered 1-3, 2-3, 3-3, etc. for each successive one. The same will apply for the perpetrators.
  4. The address and DOB fields will be filled out if the information is on the DVO.
  5. Use the City field for the DVO #, the zip code field for DVO expiration.
  6. In the fields number 1, 2, and 3 use the following examples:
    - a. No abuse, no contact
    - b. Stay 100 yds away from each other's house, work, school
    - c. Co-petitioner's name; co-respondent's name; filed by
- C. Expired DVO' shall be handled in the following manner:
- A. A list will be kept in Microsoft Word.
  - B. A couple of weeks after the expiration date the DVO will be taken out and stamped 'expired' and sent back to District Court.
- D. MAINTAINING A WARRANT AND WANTED PERSONS FILE
- A. Warrants are obtained from the following:
1. Federal Court
  2. District Court
  3. Magistrate Court
  4. Municipal Court

- B. Communications Operator will stamp the warrant with date and time stamp and put their initials on it.
- C. Communications Operator will fill out Warrant Notification/Cancellation form.
- D. Communications Operator will enter the warrant into NCIC or NMNCIC or both.
- E. Communications Operator will obtain a Triple I.
- F. All warrants which do not fall under the NCIC guidelines will be placed on a local warrant list.
- G. The warrants and the above information will be placed in a file folder and filed alphabetically in Communications Center.
- H. Information received from other jurisdictions on warrants will be verified by teletype. Upon service of warrant a faxed copy will be received from originating jurisdiction.
- I. The notification/cancellation form will be signed by the arresting officer or communications operator. The communications operator will remove the warrant from NCIC, will cancel the warrant in Sleuth and file the notification/cancellation form.
- J. When the Communications Operations receives information from a law enforcement officer, they will verify all identifiers available before an arrest is made.
- K. Officers have 24 hours access to the warrant list, NCIC information, and NMCIC Information.

**VII. ATTACHMENTS:**

None